

Appl. No. 10/658,146
Atty. Docket No. 9024M
Amdt. dated: July 8, 2005
Amendment & Reply to the Office Action dated March 8, 2005

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REMARKS

The pending claims showing the amendments herein are represented above.

Claim 1 has been amended to incorporate the preferred embodiments originally presented in Claims 2-5, 7-9, and 18. Claim 11 has been similarly amended to incorporate the preferred embodiments originally presented in Claims 12, 13, and 18. Consequently, Claims 2-5, 7-9, 12, 13, and 18 have all been canceled and Claims 14, 15, and 16 have been amended to correct dependencies to pending claims. Support for these amendments is found, at a minimum, in the claims as originally filed.

Further by the amendments presented, New Claims 21-24 have been added to incorporate preferred embodiments where an enzyme stabilizing system is present. Support for these amendments is found, at a minimum, in the Specification at Page 14, lines 18-26.

Upon the entry of the amendments presented, Claims 1, 6, 10, 11, 14-17, and 19-24 are pending in the present application. No additional claims fee is believed to be due. It is believed that these changes do not involve the introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Priority Claims

The Office Action notes that although this application claims priority to U.S. Application 10/375,792 on Page 1 of the Specification, that this priority claim appears to be in error. Applicants respectfully traverse this objection.

Priority was claimed to U.S. Application 10/375,792 due to the disclosure by the inventors in 10/375,792 of the dispersible polyolefins now incorporated into the present invention. Therefore, Applicants respectfully submit that this is an appropriate priority claim.

Double Patenting

Claims 1, 2, 4-11, 13, 14, 17, and 18 of this application have been rejected according to 37 CFR 1.78(b) as in conflict with Claims 1, 2, 4-10, 13, 15, 16, 19, and 20 of Application No. 10/658,090. The Office Action states that Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. Applicants respectfully traverse this double

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patenting rejection as it applies to the claims as amended herein and the claims as amended in Application No. 10/658,090.

By the amendments herein, all of the pending claims now require a water insoluble fabric care benefit agent that is a dispersible polyolefin, a polymer latex, or a mixture thereof. By the amendments being simultaneously filed in Application No. 10/658,090, all of the pending claims of '090 require a water-insoluble silicone derivative fabric care benefit agent. Therefore Applicants submit that there is now a clear line of demarcation between the applications and that this rejection should therefore be withdrawn.

ART REJECTION

35 USC § 102(b)

Fowler

Claims 1-7, 9-15, 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as anticipated by Fowler, et al., U.S. 5,534,265. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Fowler relates to thickened, personal cleansing compositions containing polyethylene particles, polyquaternium-10 and surfactant. Fowler does not disclose any laundry products. Furthermore, Fowler does not teach nor suggest that the compositions of Fowler may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

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wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Fowler fails to teach each and every element of the present invention, Fowler cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Jacobs

Claims 1, 3-7, 9-15, 17, 19 and 20 have been rejected under 35 U.S.C. § 102(b) as anticipated by Jacobs, et al. (U.S. 5,939,085). Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Jacob relates to skin-smoothing compositions comprising polyethylene particles, polyquaternium-10 and surfactant. Jacob does not disclose any laundry products. Furthermore, Jacob does not teach nor suggest that the compositions of Jacob may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Jacob fails to teach each and every element of the present invention, Jacob cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

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Kaiser

Claims 1, 3-14, 16, 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kaiser, et al., U.S. 5,919,440. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Kaiser relates to personal cleansing compositions containing butylacrylate/ethylhexyl methacrylate, polyquaternium-10, surfactant, and phosphate builders, along with examples that include dimethicone. Kaiser does not disclose any laundry products. Furthermore, Kaiser does not teach nor suggest that the compositions of Kaiser may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 μ m; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Kaiser fails to teach each and every element of the present invention, Kaiser cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Snyder

Claims 1-7, 9-14, and 17-20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Snyder, et al., U.S. 6,268,431. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

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Snyder relates to hair-styling shampoo compositions containing latex polymer, polyquaternium-10, surfactants, and polybutene. Snyder does not disclose any laundry products. Furthermore, Snyder does not teach nor suggest that the compositions of Snyder may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Snyder fails to teach each and every element of the present invention, Snyder cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Sisco

Claims 1, 3-7, 9-14, 16, 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sisco, et al., U.S. 4,969,925. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Sisco relates to toilet soap bars containing butylacrylate/methacrylic acid, LM-200, and soap. Sisco does not teach nor suggest that the compositions of Sisco may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

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- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Sisco fails to teach each and every element of the present invention, Sisco cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Yeoh

Claims 1, 2, 4-7, 9-11, 13, 14, 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yeoh, et al., U.S. 6,200,554. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Yeoh relates to shampoo compositions containing polyquaternium-10, dimethicone, and surfactant. Yeoh does not disclose any laundry products. Furthermore, Yeoh does not teach nor suggest that the compositions of Yeoh may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;

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d) from about 0.1% to about 80%, by weight of the composition, of a builder;
and;

e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Yeoh fails to teach each and every element of the present invention, Yeoh cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Coffindaffer

Claims 1, 2, 4-7, 9-11, 13, 14, 17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as anticipated by Coffindaffer, et al., U.S. 5,932,203. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Coffindaffer relates to conditioning shampoo compositions containing polyquaternium-10, dimethicone, and surfactant. Coffindaffer does not disclose any laundry products. Furthermore, Coffindaffer does not teach nor suggest that the compositions of Coffindaffer may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder;
and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

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Since Coffindaffer fails to teach each and every element of the present invention, Coffindaffer cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

Guskey

Claims 1-17, 19, and 20 have been rejected under 35 U.S.C. § 102(b) as anticipated by Guskey, et al., U.S. 6,040,282. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Guskey relates to styling shampoo compositions containing butylacrylate/ethylhexyl methacrylate, polyquaternium-10, dimethicone, citric acid, and surfactant. Guskey does not disclose any laundry products. Furthermore, Guskey does not teach nor suggest that the compositions of Guskey may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Guskey fails to teach each and every element of the present invention, Guskey cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

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Bettiol

Claims 1, 2, 4-11, 13, 14, and 17-20 have been rejected under 35 U.S.C. § 102(b) as anticipated by Bettiol, et al., U.S. 6,440,911. Applicants traverse this rejection to the extent it is maintained over the claims as amended.

Bettiol relates to conditioning shampoo compositions containing polyquaternium-10, dimethicone, and surfactant. Bettiol does not disclose any laundry products. Furthermore, Bettiol does not teach nor suggest that the compositions of Bettiol may be used in laundry products.

All of the claims of the present invention, as amended herein, require a laundry product composition with

- a) from about 0.1% to about 10%, by weight of the composition of at least one water insoluble fabric care benefit agent wherein the water insoluble fabric care benefit agent is a dispersible polyolefin, polymer latex, or a mixture thereof and has a particle size of from about 1 nm to 100 um; and
- b) from about 0.01% to about 5%, by weight of the composition, of at least one cationic cellulose delivery enhancing agent;
- c) from about 1% to about 80%, by weight of the composition, of a surfactant;
- d) from about 0.1% to about 80%, by weight of the composition, of a builder; and;
- e) a compatible enzyme;

wherein the ratio of the cationic cellulose delivery enhancing agent to the water insoluble fabric care benefit agent is from about 1:50 to about 1:1.

Since Bettiol fails to teach each and every element of the present invention, Bettiol cannot be held to anticipate the present invention under 35 USC § 102. Applicants respectfully request reconsideration and withdrawal of this rejection.

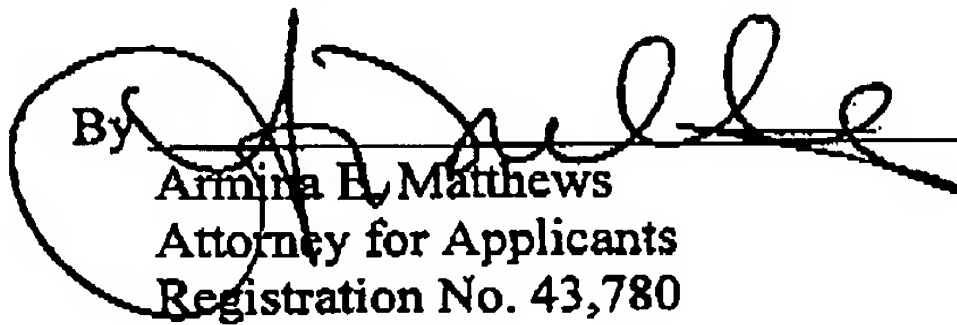
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CONCLUSION

Applicants have made an earnest effort to place their application in proper form and to distinguish their invention from the applied prior art.

WHEREFORE, Applicants respectfully request entry of the amendments presented, reconsideration of this application, withdrawal of the double patenting rejection, and withdrawal of the rejections under 35 U.S.C. § 102, and allowance of Claims 1, 6, 10, 11, 14-17, and 19-24.

Respectfully submitted,
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